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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,814	06/26/2006	Pierre Mouget	21,1208	1775

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SCHLUMBERGER OILFIELD SERVICES
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EXAMINER

HARCOURT, BRAD

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,814

Applicant(s)

MOUGET ET AL.

Examiner

Brad Harcourt

Art Unit

3676

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 15, 16, 22-24 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 16, 22 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 15, 23, 24, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stegemeier et al. (US Patent Application Publication No. 2003/0056952) in view of Traylor et al. (US Patent No. 6,017,198).

Stegemeier discloses an injector tool for ejecting a tracer in a system for monitoring a flow of liquid within a borehole, the injector tool comprising: a body 82; a piston (not numbered, between 130 and 124 in Fig. 5C) to expel the tracer;

In reference to claim 16, Stegemeier discloses a reservoir 124 into which the tracer is stored, an opening 114 through which the tracer may be ejected from the injector tool, an electro-valve 122 to control the opening; actuating means 130 to move the piston such that the piston moves when the electro-valve 122 opens the opening and the tracer is ejected.

Stegemeier discloses all of the limitations of the above claims with the exception of using a Hall Effect switch to measure movement of the piston. Traylor discloses that Hall Effect switches can be used along with magnetic rings 35 to monitor the movement of diaphragms 29 and 36. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include Hall Effect switches on the injection

apparatus of Stegemeier in view of Traylor to provide a means to monitor the movement of the piston.

In reference to claim 22, Stegemeier and Traylor both do not disclose protecting electrical elements in the apparatus while hydraulic parts are being altered during a maintenance operation, but the tracer system of Stegemeier is kept in a separate housing 82 from the housing that electro-valve 122 is located inside of. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide an easy way to remove tracer housing 82 without risking damage to valve 122 on the tracer apparatus of Stegemeier in view of Traylor so that the tracer reservoir 124 can be refilled with tracer should its supply run out.

Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stegemeier et al. (US Patent Application Publication No. 2003/0056952) in view of Traylor et al. (US Patent No. 6,017,198) as applied to claim 22 above, and further in view of Vinegar et al. (US Patent Application Publication No. 2003/0164240).

Stegemeier and Traylor disclose all of the limitations of the above claims with the exception of using a digital bus to connect multiple injector assemblies to each other. Vinegar discloses that a surface control system 154 (for managing data exchanges) can communicate with multiple downhole tools by a modem 122 "via an RS 232 bus" (par. 0071). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use a digital bus on the tracer apparatus of Stegemeier in view of Traylor and in further view of Vinegar to provide a means of communication between multiple tools.

In reference to claims 30 and 31, Stegemeier discloses that multiple injector assemblies can be used at numerous locations (par, 0082).

Allowable Subject Matter

Claims 15, 23, 24, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Harcourt whose telephone number is (571)272-7303. The examiner can normally be reached on Monday through Friday from 8:30 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer H Gay/
Supervisory Patent Examiner, Art
Unit 3676

BH
5/08/08